

Amendment/Response

Reply to non-Final Office action of 30 May 2003

REMARKS/DISCUSSION OF ISSUES

The Examiner is respectfully requested to state whether the drawings are acceptable.

Claims 1, 3 through 6, 9 and 10 are pending in the application.

Claim 10 is rejected under 35 USC 112, second paragraph, in that it fails to set forth clearly defined method steps.

Claim 10 has been amended to call for the method of arranging the detector in a ceiling such that the sensor is above the ceiling and the mirror assembly extends through the ceiling into the space to be detected, so that a multiple image of the space is projected onto the sensor.

Accordingly, it is felt that the rejection under Section 112 has been overcome, and it is urged that the rejection be withdrawn.

Claims 1, 3-6 and 9 are rejected under 35 USC 103(a) as being unpatentable over Keller (US 4,087,688) in view of Gonzalez (US 3,309,879) and further in view of Karadimos (Kaleidoscope Mirror Arrangements).

As pointed out in previous responses, Keller specifically teaches that his prism surface(s) must be arranged such that they will be parallel to the sides of the prism and such that the angle between them is 30°.

Both Karadimos and Karavitis teach how to set up a three-sided entertainment. While both references discuss three-sided pyramidal, i.e. tapered, configurations, and Karadimos teaches that viewing through the small end enlarges the images of the objects, Karavitis' diagram, and increases the weight.

Amendment/Response

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than as toys for entertainment. Neither Gonzalez nor Karadimos teach or suggest that their kaleidoscopes could have any utility for transferring images through the kaleidoscope to a sensor for any purpose.

Absent any other piece of prior art providing such a teaching or suggestion, the combination fails to render obvious the use of a pyramidal kaleidoscope in a motion detecting apparatus. Thus, the Examiner has failed to make out a prima facie case of obviousness, and the hindsight gained from Appellant's own teachings cannot be relied upon to provide such a case.

Accordingly, claims 1, 3-6 and 9 are not obvious in view of the combination of Keller in view of Gonzalez and Karadimos, and the rejection is in error and should be withdrawn.

Claim 10 is rejected (under 35 USC 103(a)) over Keller in view of Galvin et al. (US 4,155,066) (herein 'Galvin').

As previously pointed out, and as acknowledged by the Examiner, Keller fails to teach or suggest anything with regard to placement of the detector housing so that any portion would extend through the ceiling. Galvin is cited to show motion detectors mounted in a ceiling.

However, Galvin's motion detector includes two separate transmitters, located in, separately mounted in a ceiling, one to the left and one to the right, transmitting a signal (analogous to Applicant's optical signals), and the other for receiving the signal (analogous to Applicant's sensor). Galvin does not teach or suggest having the transmitting and receiving units mounted in a single ceiling, with the receiving unit

Amendment/Response

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In contrast, claim 10 calls for a motion detector which is a single unit including both a sensor and optical means. Moreover, the unit is mounted so that the sensor is located above the ceiling and the optical means extends through the ceiling.

Thus, in teaching separately mounted transmitting and receiving units, Galvin actually teaches away from Applicant's claimed subject matter.

Accordingly, the rejection is in error and should be withdrawn.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,